

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETERSEN ENERGÍA INVERSORA, S.A.U. and
PETERSEN ENERGÍA, S.A.U.,

Plaintiffs,

-against-

ARGENTINE REPUBLIC and YPF S.A.,

Defendants.

Case Nos.:

1:15-cv-02739-LAP

1:16-cv-08569-LAP

ETON PARK CAPITAL MANAGEMENT, L.P.,
ETON PARK MASTER FUND, LTD., and
ETON PARK FUND, L.P.,

Plaintiffs,

-against-

ARGENTINE REPUBLIC and YPF S.A.,

Defendants.

DECLARATION OF GEORGE W. HICKS, JR.
IN SUPPORT OF PLAINTIFFS' COMBINED OPPOSITION TO DEFENDANTS'
MOTIONS FOR SUMMARY JUDGMENT

I, George W. Hicks, Jr., declare:

1. I am a partner of the firm Kirkland & Ellis and one of the attorneys representing Petersen Energía Inversora, S.A.U., Petersen Energía, S.A.U. (together, "Petersen"), and Eton Park Capital Management, L.P., Eton Park Master Fund, Ltd., and Eton Park Fund, L.P. (together, "Eton Park," and with Petersen, "Plaintiffs"), in the above-captioned actions.

2. The purpose of this Declaration is to submit documents to the Court in support of Plaintiffs' Responses to YPF's Rule 56.1 Statement of Undisputed Material Facts in Support of

Its Motion for Summary Judgment, Plaintiffs' Combined Opposition to Defendants' Motions for Summary Judgment, and Plaintiffs' Additional Rule 56.1 Statement of Material Facts in Support of Opposition to Defendants' Motions for Summary Judgment.

3. Attached as **Exhibit 132** is a true and correct copy of an English certified translation of Repsol's Financial Statements for the period ending on June 30, 2014, as produced in this litigation with Bates numbers Repsol00021558-604.

4. Attached as **Exhibit 133** is a true and correct copy of an English certified translation of the Order on Ordinary Bankruptcy 405/2012 in Section 5 of the Commercial Court No. 3 of Madrid, dated September 1, 2020.

5. Attached as **Exhibit 134** is a true and correct copy of the Deposit Agreement between YPF S.A. and The Bank of New York, dated June 17, 1993, as produced in this litigation with Bates numbers AR00092208-56.

6. Attached as **Exhibit 135** is a true and correct copy of excerpts from the transcript of the March 15, 2022 deposition of Rafael Mariano Manóvil ("Manóvil Tr. for Defs.").

7. Attached as **Exhibit 136** is a true and correct copy of an English certified translation of National Civil Chamber of Appeals, Room E, "*Perrino, Elizabeth Liliana c. Tschubarov, Adrián y otro*", 09/10/2010. TR La Ley: AR/JUR/61577/2010.

8. Attached as **Exhibit 137** is a true and correct copy of excerpts from the transcript of the February 8, 2022 deposition of Judge Alejandro Uslenghi ("Uslenghi Tr. for YPF").

9. Attached as **Exhibit 138** is a true and correct copy of excerpts from the transcript of the March 10, 2022 deposition of Julio Pablo Comadira ("Comadira Tr. for YPF").

10. Attached as **Exhibit 139** is a true and correct copy of excerpts from the transcript of the March 3, 2022 deposition of Aída Kemelmajer ("Kemelmajer Tr. for YPF").

11. Attached as **Exhibit 140** is a true and correct copy of Declaration of Alberto B. Bianchi, dated Jan. 14, 2022 (“Bianchi Jan. 2022 Report for Pls.”).

12. Attached as **Exhibit 141** is a true and correct copy of Reply Expert Report of Professor John C. Coffee, Jr., dated January 13, 2022 (“Coffee Jan. 2022 Report for Pls.”).

13. Attached as **Exhibit 142** is a true and correct copy of Rebuttal Expert Report of Richard Blackett, dated December 3, 2021 (“Blackett Dec. 2021 Report for Pls.”).

14. Attached as **Exhibit 143** is a true and correct copy of an English certified translation of *Zullo, Norberto vs. Kehoe, Roberto Eduardo y otros*, CN Com., Room A, July 22, 2008 (TR LA LEY AR/JUR/8909/2008), as produced in this litigation with Bates numbers PT_ROVIA_000001012.

15. Attached as **Exhibit 144** is a true and correct copy of Expert Report of Ignacio Tirado, dated December 3, 2021 (“Tirado Dec. 2021 Report for Pls.”).

16. Attached as **Exhibit 145** is a true and correct copy of Reply Expert Report of Manuel Conthe, dated January 14, 2022 (“Conthe Jan. 2022 Report for YPF”).

17. Attached as **Exhibit 146** is a true and correct copy of excerpts from the transcript of the February 4, 2022 deposition of Manuel Conthe (“Conthe Tr. for YPF”).

18. Attached as **Exhibit 147** is a true and correct an English certified translation of Order No. 91/2020 on Appeal 917/2019 D in Section 8 of the Provincial Civil Court of Appeals of Madrid, dated May 20, 2020, as produced in this litigation with Bates numbers PT_TIRADO_000000194-206.

19. Attached as **Exhibit 148** is a true and correct copy of an English certified translation of the Order on Appeal 63/2020 in Section 20 of the Provincial Court of Appeals of

Madrid, dated June 2, 2020, as produced in this litigation with Bates numbers PT_TIRADO_000000094-103.

20. Attached as **Exhibit 149** is a true and correct copy of excerpts from the transcript of the October 29, 2020 deposition of Christopher Bogart (“Bogart Tr.”).

21. Attached as **Exhibit 150** is a true and correct copy of excerpts from the transcript of the April 6, 2022 deposition of Ignacio Tirado (“Tirado Tr. for Pls.”).

22. Attached as **Exhibit 151** is a true and correct copy of Defendant the Argentine Republic’s Notice of Subpoena to Burford Capital LLC, dated October 13, 2020.

23. Attached as **Exhibit 152** is a true and correct copy of Repsol S.A.’s Schedule 14D-1 Tender Offer Statement of YPF Sociedad Anónima, dated April 30, 1999, as produced in this litigation with Bates numbers YPFPT-HARRIS00002676-3004.

24. Attached as **Exhibit 153** is a true and correct copy of an English certified translation of the Announcement of Stock Tender Offer by Petersen Energia Inversora, S.A., dated May 20, 2008, as produced in this litigation with Bates numbers AR00012170-72.

25. Attached as **Exhibit 154** is a true and correct copy of the Affidavit of Gustavo Naveira in Support of Plaintiffs’ Arguments, *Repsol YPF, S.A. v. Republic of Argentina*, No. 1:12-cv-03877-LAP (S.D.N.Y. July 26, 2013), ECF No. 18.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed this 26th day of May, 2022.

/s/ George W. Hicks, Jr.
George W. Hicks, Jr.